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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No.: CR 05-00656 PJH
)	
Plaintiff,)	PARTIES' STIPULATION AND
)	[PROPOSED] ORDER EXCLUDING
v.)	TIME UNDER THE SPEEDY TRIAL ACT
)	FROM MARCH 8, 2006 UNTIL
MARK HANES,)	MAY 22, 2006
)	
Defendant.)	

The parties stipulate and agree, and the Court finds and holds, as follows:

1. The parties appeared in this Court on the above-captioned matter on March 8, 2006 for a hearing on defendant's uncontested motion to continue. Previously, trial had been scheduled to commence on April 10, 2006.

2. At the March 8, 2006 hearing, defense counsel indicated that he would be preparing for and participating in two other trials commencing on March 27, 2006 and April 24, 2006, respectively. Government counsel also indicated that she would be unavailable the week of May 1, 2006, and would be out of the country for a portion of the week of May 8, 2006. In addition, the parties indicated that if the matter did not resolve, the government likely would file a superseding indictment, resulting in the need for defense counsel to review additional discovery.

1 In light of all of these factors, the Court continued the trial until May 22, 2006.

2 3. Due to the unavailability of both government and defense counsel during the intervening
3 time and the need for adequate preparation, the parties moved that the time period from March 8,
4 2006 until May 22, 2006 be excluded from the calculation of time under the Speedy Trial Act
5 based upon effective preparation of counsel. *See* 18 U.S.C. § 3161(h)(8)(B).

6 4. In light of the foregoing facts, the failure to grant the requested exclusion would
7 unreasonably deny counsel for the defense and the government the reasonable time necessary for
8 effective preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. §
9 3161(h)(8)(A), (B)(iv). The ends of justice would be served by the Court excluding the proposed
10 time period. These ends outweigh the best interest of the public and the defendant in a speedy
11 trial. *See id.* § 3161(h)(8)(A).

12 5. For the reasons stated, the time period from March 8, 2006 through May 22, 2006 shall be
13 excluded from the calculation of time under the Speedy Trial Act.

14 SO STIPULATED.

15 DATED: March 13, 2006

Respectfully Submitted,

16
17 /s/
18 MICHELLE MORGAN-KELLY
Assistant United States Attorney

19 DATED: March 13, 2006

20 /s/
21 JEROME MATTHEWS
Counsel for Defendant Mark Hanes

22 PURSUANT TO STIPULATION, IT IS SO ORDERED.

23
24 DATED: 3/14/06

25
26
27
28 STIPULATION AND PROPOSED ORDER
CR 05-00656 PJH

